

arising out of [the Independent Counsel's] investigation of the matter"6

This report describes the work of the Independent Counsel in fulfilling his obligation under the Special Division's June 21, 1996 Order and the Independent Counsel Reauthorization Act.⁷ With the filing of this report, the matter is now closed.

II. SCOPE OF REPORT

The reporting requirement under which this Office operates, 28 U.S.C. § 594(h)(1)(B)(1994), provides that before the Office is terminated it shall:

file a final report . . . setting forth fully and completely a description of the work of the independent counsel, including the disposition of all cases brought.

This statutory language reflects a change from the pre-1994 law,

⁶ Id.

⁷ While many allegations have appeared in the press and elsewhere, this report describes only those matters within the jurisdiction assigned to the Independent Counsel. The Independent Counsel did not, for example, investigate whether Mr. Marceca violated the Privacy Act of 1974, as amended, 5 U.S.C. § 552a (1996). Such a violation, even if substantiated, is not within the jurisdiction of this Office because it constitutes an infraction. 5 U.S.C. § 552a(i)(1); 18 U.S.C. §§ 19 & 3671(b)(6) & 7. Such violations are explicitly excluded from the jurisdiction of an independent counsel. 28 U.S.C. § 591(a) (excluding Class B and C misdemeanors from Attorney General's preliminary investigation); see also 28 U.S.C. § 593(b)(3) (instructing the Special Division to grant the independent counsel jurisdiction over "Federal crimes, other than those classified as Class B or C misdemeanors or infractions, that may arise out of the investigation or prosecution of the matter with respect to which the Attorney General's request was made"). Accordingly, those matters were within the jurisdiction of the Department of Justice.